

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMES PAUL DUNCAN, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   ) Case No. 3:13-CV-912 -NJR- DGW  
                        )  
THE STATE OF ILLINOIS,       )  
DEPARTMENT OF CORRECTIONS,   )  
PINCKNEYVILLE CORRECTIONAL   )  
CENTER, UNKNOWN PARTY,        )  
INTERNAL AFFAIRS, AND C/O     )  
HUGANE,                )  
                        )  
Defendants.           )

**MEMORANDUM AND ORDER**

ROSENSTENGEL, District Judge:

Plaintiff, James Paul Duncan, an inmate at Stateville Correctional Center, complains that certain personal property (including a television and a typewriter) of his was destroyed by Defendant Hagene in retaliation for refusing to testify against another inmate. The case comes before the Court on a Report and Recommendation entered on May 6, 2014, by Magistrate Judge Donald G. Wilkerson. In the Report and Recommendation, Magistrate Judge Wilkerson recommends that the Motion for Summary Judgment on the Issue of Exhaustion (Doc. 29) filed by Defendant Edward Hagene on February 20, 2014, be denied.

The parties were informed that their deadline for objecting to Magistrate Judge

Wilkerson's Report and Recommendation was May 20, 2014—a date that has come and gone. Because no party has filed an objection, the undersigned need not undertake *de novo* review. 28 U.S.C. § 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*") (emphasis added). *See also Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 741 (7th Cir. 1999); *Video Views, Inc. v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

The undersigned accordingly **ADOPTS** in its entirety Magistrate Judge Wilkerson's Report & Recommendation (Doc. 56) and rules as follows: Defendant's Motion for Summary Judgment on the Issue of Exhaustion is hereby **DENIED**. Additionally, the Clerk of Court is **DIRECTED** to correct the docket sheet to reflect the true name and spelling of Defendant Edward Hagene.

**IT IS SO ORDERED.**

**DATED: August 11, 2014**

*s/Nancy J. Rosenstengel*  
**NANCY J. ROSENSTENGEL**  
**United States District Judge**